IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5206 OF 2007

M/s.OZ Realty Pvt. Ltd. ....Petitioner.
V/s
Mrs.Sheetal Ravi Pettie & Anr. ... .Respondents.

Office Notes, Office Memoranda of Coram, appearances Court's orders or directions and Registrar' orders.	Court's or Judge's Orders

Mrs.M.M.Kochar h/f M/s.Ram & Co., Adv. For the petitioner.

Mr.R.A.Thorat with Mr.H.V.Kode, Adv. For the respondent No.1.

Mr.Birendra Saraf with Mr.Sachin Chandrana and Ms.Ankita Bajpai i/by M/s.M.K.Ambalal & Co. Adv. for the Respondent No.2

CORAM: A.P. DESHPANDE, J.
2.8.2007

PC:

Two orders are challenged in the present writ petition. The first one is rejection of application at Ex.5 where under temporary injunction had been claimed. The said order is appealable under Order 43 Rule 1(r) whereas the other order is in

regard to rejection of prayer for attachment before judgment passed under Order 38 Rule 6 of Code of Civil Procedure which is yet again appealable under Order 43(1) Q of Code of Civil Procedure. The present petitioner has not filed appeals which are permitted under Order 43 and has straightway filed present writ petition. As there exists an alternate remedy as and by way of appeal I decline to entertain the present writ petition. **Writ petition stands dismissed.** However it is made clear that if an appeal is filed all grounds raised in the present writ petition are be left open to be raised in miscellaneous civil appeal. Learned counsel for respondent in all fairness states that he will not withdraw the amount of Rs.25 lacs lying with ICICI Bank for a period of one week.

2.8.07.